U.S., Hill Start Probes Into Sterilizing of Girls

7/4/73

By Sanford Unger and Joel Dreyfuss
Washington Post Staff Writers

Attorney General Elliot L. Richardson yesterday ordered an investigation of whether federal civil rights laws were violated by the "involuntary sterilization" of teen-age women at a Montgomery, Ala., birth control clinic.

Saying he was reluctant to wait for the case to be referred through channels by other government agencies, Richardson directed the Civil Rights Division of the Justice Department to prepare a full report on the controversy.

At the same time, the Senate Health Subcommittee, chaired by Sen. Edward M. Kennedy (D-Mass.), scheduled public hearings on the issue for next Tuesday.

Among the witnesses, an aide to Kennedy said, will be Minnie Lee and Mary Alice Relf, 14 and 12, respectively, whose father has brought a $1 million damage suit against the clinic and the federal agencies that fund it.

The father, Lonnie Relf, claims that the Montgomery Family Planning Clinic did not fully explain the sterilization procedure to his daughters or to his wife, who signed the consent form for the operations with an "X."

An official of the Office of Economic Opportunity said Monday that nine other young women may have been sterilized at the clinic without parental consent or full understanding of the surgical procedure.

The operation in question is

See STERILE, A11, Col. 8

THE WASHINGTON POST
Wednesday, July 4, 1973 / A 11

Richardson Will Probe Ala. Clinic

STERILE, From A1

a tubal ligation, which involves surgically tieing a woman's falopian tubes. It is in almost every instance irreversible.

Richardson, telling reporters of his decision yesterday, drew a parallel with a government-sponsored experiment, also in Alabama, in which black men with syphilis were denied treatment so that doctors could monitor the effects of the disease.

The case involves "an element of failure to understand ... an act affecting (the women's) lives," the Attorney General said.

He referred the investigation to Deputy Assistant Attorney General K. William O'Connor, who in turn assigned it to the Criminal Section of the Civil Rights Division. Justice Department sources said the FBI would be called into the case, if preliminary information obtained from OEO indicates it would be useful.

If legal violations are found, the Justice Department could bring civil or criminal charges against those responsible.

In the meantime, federal lawyers are helping to represent the government in the civil lawsuit brought by the Relf family.

The legal situation is blurred by the fact that OEO, while it lifted a ban on the performance of sterilization operations with federal funds in May, 1971, never issued guidelines on the subject to family planning agencies.

Dr. Warren Hern, former chief of program development and evaluation for OEO's Family Planning Division, said yesterday that guidelines were drafted in early 1972 which could have prevented the Alabama incidents.

Among other things, the proposed guidelines said "Patients should be advised that voluntary sterilization is appropriate only when and if the desired family size has been reached."

According to Hern, now a physician at Denver General Hospital in Colorado, "The guidelines included very stringent conditions that patients be fully informed of alternative contraceptive methods. We were trying to exclude minors, illiterates and the mentally retarded."

(The Relf lawsuit says that the younger daughter, Mary Alice, is retarded.)

Hern said in a telephone interview that he was told last year by Wesley L. Hjornevik, OEO deputy director, and other agency officials, that the guidelines were held up by the White House.

In the absence of federal guidelines, family planning clinics are left to operate under state law. There is no Alabama statute dealing with sterilization procedures, according to Dan Christenberry, associate director of the Alabama Council for Voluntary Family Planning.

Joseph Conklin, director of the Montgomery Community Action Agency, which sponsors the family planning clinic, disputed OEO's figures and said that only eight women had been sterilized there, rather than 11.

He pointed out that the $244,944 OEO grant to his agency, temporarily suspended last week, had been reinstated. An OEO spokesman added that the sterilization operations at issue were funded through a Medicaid program, not the OEO grant.

The exact ages of the women sterilized, other than the Relf children, could not be immediately determined.

One official of the clinic said that only eight persons had been sterilized there during the past 18 months, and another estimated that between three and five of them were minors.

A Montgomery doctor connected with the clinic said that "it's just in the last two or three years that we sterilized a few minors. We certainly didn't have any designs on race. Certain people are trying to make us the goat."

The Southern Poverty Law Center, a nonprofit organization headed by Georgia State Rep. Julian Bond, which brought the Relf lawsuit, has suggested that the sterilizations may have been influenced by racial considerations.

Richardson, in ordering the Justice Department investigation, said OEO would probably be asked to determine whether similar incidents have occurred in other states.